

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DEREK GLOVER, :
Petitioner, :
: 20-CV-10359 (JMF)
-v- :
: ORDER
BRONX SUPREME COURT, :
Respondent. :
:
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JESSE M. FURMAN, United States District Judge:

On May 24, 2021, Respondent filed a motion to dismiss the petition in this case under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a party has twenty-one (21) days after the service of a motion under Rule 12(b) to amend a pleading once as a matter of course. Because Petitioner is proceeding *pro se*, however, the Court will give Petitioner additional time to amend the petition.

Accordingly, it is hereby ORDERED that Petitioner shall file any amended petition by **July 5, 2021**. If Petitioner believes that the pleading of additional facts will cure deficiencies identified in the motion to dismiss, Petitioner should include those facts in the amended petition. Petitioner will not be given any further opportunity to amend the petition to address issues raised by the motion to dismiss.

If Petitioner does amend, by three (3) weeks after the amended petition is filed, Respondent shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Respondent files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot.

If no amended petition is filed, Petitioner shall serve any opposition to the motion to dismiss by **July 5, 2021**. Respondent's reply, if any, shall be served by **July 14, 2021**.

Either party may request an extension of the briefing schedule for the motion. A deadline will be extended if the party demonstrates that its pursuit of the action has been diligent and that there is a good reason for extending the deadline.

Finally, the Clerk of the Court is directed to mail a copy of this Order to Petitioner.

SO ORDERED.

Dated: May 25, 2021
New York, New York



JESSE M. FURMAN
United States District Judge